



TOWN CLERK

TOWN OF ACTON
472 MAIN STREET
ACTON, MASSACHUSETTS, 01720
TELEPHONE (978) 929-6620
FAX (978) 929-6340
clerk@acton-ma.gov

June 27, 2017

MIDDLESEX, SS:

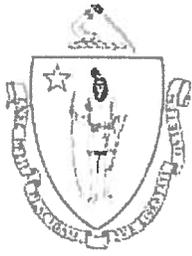
ON THE ABOVE DATE, I POSTED ATTESTED COPIES OF THE AMENDMENT TO THE TOWN ZONING BYLAW, ARTICLE 20, 22, 23 AND 24, WHICH PASSED AT THE ANNUAL TOWN MEETING THAT CONVENED ON APRIL 3, 2017. THE ARTICLES MENTIONED FOR THE TOWN ZONING BYLAW, WERE APPROVED BY THE ATTORNEY GENERAL, MAURA HEALEY ON JUNE 26, 2017 AND IS POSTED AT THE FOLLOWING PLACES IN THE TOWN OF ACTON:

NAGOG WOODS POST OFFICE, TOWN HALL, WEST ACTON POST OFFICE, CENTER POST OFFICE, PUBLIC SAFETY FACILITY, CENTER LIBRARY AND TOWN WEB PAGE.

CONSTABLE

CLAIMS OF INVALIDITY BY REASON OF ANY DEFECT IN THE PROCEDURE OF ADOPTION OR AMENDMENTS OF THESE BYLAWS MAY ONLY BE MADE WITHIN NINETY DAYS (90) PER CHAPTER 40, SECTION 32, OF THE GENERAL LAWS OF THE COMMONWEALTH.

EVA K. SZKARADEK
TOWN CLERK



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION
10 MECHANIC STREET, SUITE 301
WORCESTER, MA 01608

MAURA HEALEY
ATTORNEY GENERAL

(508) 792-7600
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June 26, 2017

Eva K. Szkaradek, Town Clerk
Town of Acton
472 Main Street
Acton, MA 01720

**Re: Acton Annual Town Meeting of April 3, 2017 – Case # 8291
Warrant Articles # 20, 22, 23, and 24 (Zoning)**

Dear Ms. Szkaradek:

Articles 20, 22, 23, and 24 - We approve Articles 20, 22, 23, and 24, and the map pertaining to Article 22, from the Acton April 3, 2017, Annual Town Meeting. We will send the approved map to you by regular mail.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date that these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were voted by Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,
MAURA HEALEY
ATTORNEY GENERAL

Kelli E. Gunagan

by: Kelli E. Gunagan, Assistant Attorney General
Municipal Law Unit
Ten Mechanic Street, Suite 301
Worcester, MA 01608
(508) 792-7600 x 4406

cc: Town Counsel Stephen D. Anderson



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EXCERPT OF THE ANNUAL TOWN MEETING HELD
MONDAY, APRIL 3, 2017, 7:00 P.M.
ACTON-BOXBOROUGH REGIONAL HIGH SCHOOL AUDITORIUM
WITH ADJOURNED SESSION HELD APRIL 4, 2017

Article 20 Amend Zoning Bylaw – Office Park 1 Zoning District (Nagog Park)
 (Two-thirds vote)

To see if the Town will vote to amend the Zoning Bylaw, Section 5 – TABLE OF PRINCIPAL USES by changing the MINIMUM OPEN SPACE from 50% to 35% and the MAXIMUM FLOOR AREA requirement from 0.20 to 0.33 in the Office Park 1 Zoning district as follows:

Proposed

ZONING DISTRICT	MINIMUM LOT AREA in sq. ft.	MINIMUM LOT FRONTAGE in feet	MINIMUM LOT WIDTH in feet	MINIMUM FRONT YARD in feet	MINIMUM SIDE & REAR YARD in feet	MINIMUM OPEN SPACE in percent	MAXIMUM FLOOR AREA RATIO	MAXIMUM HEIGHT in feet
OP-1	80,000	200	50	50	30 (7)	35%	0.33	36

Existing

ZONING DISTRICT	MINIMUM LOT AREA in sq. ft.	MINIMUM LOT FRONTAGE in feet	MINIMUM LOT WIDTH in feet	MINIMUM FRONT YARD in feet	MINIMUM SIDE & REAR YARD in feet	MINIMUM OPEN SPACE in percent	MAXIMUM FLOOR AREA RATIO	MAXIMUM HEIGHT in feet
OP-1	80,000	200	50	50	30 (7)	<u>50%</u>	<u>0.20 (14)</u>	36

And, delete footnote (14) and renumber the rest of the footnotes accordingly, or take any other action relative thereto.

[Footnote (14) currently states: (14) On LOTS within the OP-1 District, which on April 3, 1995 were held in common ownership the FLOOR AREA RATIO may be calculated by dividing the sum of the NET FLOOR AREA of all BUILDINGS on such LOTS by the DEVELOPABLE SITE AREA of such LOTS, whether or not such LOTS are contiguous or divided by a STREET.]



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**Article 22 Amend Zoning Map – 317 Central Street
(Two-thirds vote)**

To see if the Town will vote to amend the Zoning Bylaw, Map Number 1, by changing the zoning district designation for Town Atlas map F2A parcel 2-3 (317 Central Street) from Village Residential (VR) to West Acton Village (WAV), or take any other action relative thereto.

MOTION: Mr. Yacouby moves that the Town adopt the Zoning Bylaw Map amendment as set forth in the Article.

**MOTION CARRIES
Declared 2/3 by Moderator***

*Town of Acton has accepted MGL CH 39 Sec 15 at its Annual Town Meeting April 2001, Article 43 and the amended Bylaw 5A was approved by the Attorney General on Aug. 6, 2001.
(The Town Meeting Moderator is not required to count a 2/3 required vote.)



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Article 23 * Amend Zoning Bylaw – Housekeeping, Accessory Apartments
(Two-thirds vote)

To see if the Town will vote to amend the Zoning Bylaw as follows:

- A. In Section 3.3 - Residential Uses, introductory sub-section, amend subsection c) by deleting the phrase “a single FAMILY dwelling with one Apartment in a detached BUILDING under Section 3.3.2.10 of this Bylaw;” and replace it with:

“an Accessory Apartment as provided under Section 3.8.1.6;”

[The relevant portion of Section 3.3 currently reads:

where a special permit has been granted for the following: a Planned Conservation Residential Community (PCRC) under Section 9 of this Bylaw; an Independent SENIOR Residence under Section 9B of this Bylaw; an AFFORDABLE Housing Development under Section 4.4 of this Bylaw; a single FAMILY dwelling with one Apartment in a detached BUILDING under Section 3.3.2.10 of this Bylaw; a golf course under Section 3.5.17 of this bylaw.]

- B. In Section 6.3 - **Minimum Parking Space Requirements by USE**, delete subsection 6.3.1.1 and replace it with a new subsection 6.3.1.1 as follows:

6.3.1.1	Dwelling	Two spaces for each DWELLING UNIT, except for an Accessory Apartment as defined in Section 3.8.1.6.
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[Subsection 6.3.1.1 currently reads:

6.3.1.1	Dwelling	Two spaces for each DWELLING UNIT, except for an Apartment as defined in Section 3.3.2.]
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, or take any other action relative thereto.

MOTION: Mr. Berry moves that the Town adopt the Zoning Bylaw amendments as set forth in the Article.

CONSENT MOTION CARRIES
Declared 2/3 by Moderator*

*Town of Acton has accepted MGL CH 39 Sec 15 at its Annual Town Meeting April 2001, Article 43 and the amended Bylaw 5A was approved by the Attorney General on Aug. 6, 2001.
(The Town Meeting Moderator is not required to count a 2/3 required vote.)



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Article 24 * Amend Zoning Bylaw – Dwellings on Non-Conforming Lots
(Two-thirds vote)

To see if the Town will vote to amend the Zoning Bylaw as follows:

A. Non-Conforming Lots

1. Delete Section 8.1.3 and replace it with the following new Section 8.1.3:

8.1.3 Reconstruction of Single- and Two-FAMILY residential STRUCTURES on Nonconforming Lots – A lawful Single-FAMILY Dwelling on a nonconforming LOT may be reconstructed for Single-FAMILY residential USE on the same lot; and a lawful Two-FAMILY Dwelling on a nonconforming LOT may be reconstructed for Two-FAMILY residential USE on the same lot; in both cases subject to the following conditions and limitations:

- 8.1.3.1 The reconstructed STRUCTURE shall not exceed the FLOOR AREA RATIO on the LOT of the STRUCTURE that existed on the LOT before it was razed or damaged.**
- 8.1.3.2 The reconstructed STRUCTURE may be placed anywhere on the LOT provided it meets all minimum yard and maximum height requirements of this Bylaw.**
- 8.1.3.3 The FLOOR AREA RATIO shall be determined by using either architectural and plot plans for the existing STRUCTURE to be razed or, in the absence of such architectural and plot plans, the FLOOR AREA RATIO shall be determined by using the information on record at the Town of Acton Assessor's office.**
- 8.1.3.4 Additions to the reconstructed STRUCTURE may be made after two years following the date of initial occupancy of the reconstructed STRUCTURE, if otherwise permissible.**

[Note Section 8.1.3 currently reads:

Replacement of Single- and Two-Family Dwellings on Nonconforming Lots – A